



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/086,632      | 03/04/2002  | Amir Sagiv           | P-3849-US           | 7033             |

49444 7590 04/05/2006

PEARL COHEN ZEDEK LATZER, LLP  
1500 BROADWAY, 12TH FLOOR  
NEW YORK, NY 10036

EXAMINER

WOOD, WILLIAM H

ART UNIT PAPER NUMBER

2193

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/086,632 | <b>Applicant(s)</b><br>SAGIV ET AL. |  |
|                              | <b>Examiner</b><br>William H. Wood   | <b>Art Unit</b><br>2193             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-9 and 14-18 are pending and have been examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by **Osborne** et al (USPN 4,225,976).

#### *Claim 1*

**Osborne** disclosed a system comprising:

a noise floor register to store a noise floor value of a chip (*figure, element 21; column 1, line 53, noise floor*);

a noise event counter to count a number of events in which a direct-current offset value of said chip is bigger than said noise floor value (*column 2, lines 7-10; column 5, lines 4-7*); and

an approximator to update said noise floor register with an approximated noise floor value (*column 1, lines 61-64*) by performing the following operations one or more times:

causing said noise event counter to count said noise events (*column 1, lines 61-64*); and

updating said noise floor value based on the number of said noise events (*column 5, lines 4-7; operation continues based upon a certain number of counts*).

Claim 2

**Osborne** disclosed a system according to claim 1, wherein said noise level comprises a noise level selected from the group consisting of a noise level of a receiver of said chip, and a noise level of a transmitter of said chip (*column 2, line 47; abstract, "In a spread-spectrum receiver"*).

Claim 3

**Osborne** disclosed a system according to claim 1, wherein said approximator is able to cause said noise event counter to count said noise events during at least two different time periods (*column 1, lines 40-41; column 4, line 14; times in calibration mode*).

Claim 4

**Osborne** disclosed a system according to claim 1 comprising:

a noise register to store a noise value (*figure, element 21; column 1, line 53, noise floor*);

a noise register updater to update said noise value based on a comparison between said noise value and said direct-current offset value (*column 1, lines 61-64; column 2, lines 7-10; column 5, lines 4-7*);

a fine tuner to adjust the approximated noise floor value based on a plurality of noise values retrieved from said noise register (*column 5, lines 4-7; operation continues based upon a certain number of counts*).

Claim 5

**Osborne** disclosed a system according to claim 4, wherein said fine tuner comprises:

a noise tracker to retrieve said plurality of noise values from said noise register at a plurality of time intervals, respectively (*column 2, lines 7-10; column 5, lines 4-7; column 1, lines 40-41; column 4, line 14; times in calibration mode*); and

an evaluator to adjust said noise floor value base on said plurality of noise values (*column 5, lines 4-7; operation continues based upon a certain number of counts*).

Claims 6-9 and 14-16

The limitations of claims 6-9 and 14-16 correspond to claims 1-5 and as such are rejected in the same manner.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Osborne** et al (USPN 4,225,976) in view of **Gupta** et al. (USPN 6,766,176).

Claim 17

The limitations of claim 17 substantially correspond to claims 1-5 and as such are rejected in the same manner. **Osborne** did not explicitly state a home phone network comprising two or more computers. **Gupta** demonstrated that it was known at the time of invention to provide telephone systems of multiple computers (column 1, lines 17-22). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the noise control system of **Osborne** in a noisy cellular phone environment as found in **Gupta's**

Art Unit: 2193

teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to reduce interference as much as possible in a cellular phone environment (**Gupta**: column 2, lines 7-10; **Osborne**: column 1, lines 30-34).

Claim 18

**Osborne** and **Gupta** disclosed a system according to claim 17, further comprising: one or more peripheral devices coupled to at least one of said computers (**Osborne**: figure, note "input" on left; **Gupta**: figure 3, elements 104 and 106).

**Response to Arguments**

Applicant's arguments with respect to claims 1-9 and 14-18 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply

Art Unit: 2193

is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood  
Patent Examiner  
AU 2193  
April 3, 2006

**KAKALI CHAKI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**